

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

KIRK DAHL, ET AL., Individually and
on Behalf of All Others Similarly Situated,

Plaintiffs

v.

CIVIL ACTION NO.:
07-12388-EFH

BAIN CAPITAL PARTNERS, LLC, ET AL.,

Defendants.

MEMORANDUM

October 15, 2012

HARRINGTON, S.D.J.

In view of the fact that the Plaintiffs have alleged one “overarching” combination, the Court instructs the parties to be prepared to orally argue at the summary judgment hearings the following issues:

1. The legal consequences, assuming that the Plaintiffs are able to establish one combination, but involving only a limited number of Defendants with respect to a limited number of transactions.
2. The legal consequences, assuming that the Plaintiffs are able to establish multiple combinations involving only a limited number of Defendants with respect to a limited number of transactions.

/s/ Edward F. Harrington

EDWARD F. HARRINGTON
United States Senior District Judge